

1  
2 BILL NO. G-91-10-19 (AS AMENDED)

3 GENERAL ORDINANCE NO. G-29-91

4 AN ORDINANCE OF THE COMMON COUNCIL OF THE  
5 CITY OF FORT WAYNE, INDIANA TO AMEND  
6 CURRENT CHAPTER 23 OF THE MUNICIPAL CODE  
7 OF THE CITY OF FORT WAYNE, INDIANA BY  
8 ADDING A NEW SECTION PROHIBITING THE  
9 BLOWING OF WHISTLES AND RINGING OF BELLS  
10 AT SPECIFIC RAILROAD CROSSINGS.

11 WHEREAS, Chapter 23 of the Municipal Code of the City of  
12 Fort Wayne, Indiana is in need of revision; and

13 WHEREAS, I.C. 8-6-4-1 allows a municipality to regulate  
14 the blowing of whistles and ringing of bells at specific  
15 crossings, with the review and approval of the Indiana  
16 Department of Transportation.

17 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
18 THE CITY OF FORT WAYNE, INDIANA THAT:

19 SECTION 1. Chapter 23 of the Municipal Code of the City  
20 of Fort Wayne, Indiana, entitled "Railroads" is hereby amended  
21 by adding the following language:

22 "Sec. 23-16. Blowing of whistles and ringing of bells  
23 prohibited at specific crossings.

24 It shall be unlawful, within the city, for any engineer,  
25 conductor or person in charge of any engine or train of cars,  
26 to blow the whistle or ring the bell of any such engine or  
27 train while travelling on Norfolk and Western Railroad tracks,  
28 immediately prior to or while in the process of crossing over  
29 the following intersections: Ardmore Road (south of Engle),  
30 Engle Road, Nuttman Avenue, Brooklyn Avenue, and Taylor  
31 Avenue. The engineer, conductor or person in charge of any  
32 engine or train of cars, shall follow all rules and  
regulations set down by OSHA and Indiana statute regarding the  
blowing of whistles and the ringing of bells, while travelling  
in the city limits and crossing over all other city streets  
except those specifically mentioned in this section."

SECTION 2. Severability. If any provision or term of  
this section, or any application thereof, is held invalid, the  
invalidity shall not affect other applications of the  
provision or terms of this section which reasonably can be  
given effect without the invalid provision or term for the  
application thereof.



PAGE TWO

SECTION 3. This Ordinance shall be in full effect from and after its passage, its legal publication thereof, any and all necessary approval by the Mayor and the Indiana Department of Transportation.

\_\_\_\_\_  
COUNCILMEMBER

APPROVED AS TO FORM  
AND LEGALITY.

\_\_\_\_\_  
Stanley A. Levine  
Legal Advisor to  
Fort Wayne Common Council



BILL NO. G-91-10-19

GENERAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA  
RESCINDING CURRENT CHAPTER 23 OF THE  
MUNICIPAL CODE OF THE CITY OF FORT  
WAYNE, INDIANA IN ITS ENTIRETY AND  
REPLACING IT WITH A NEW CHAPTER 23,  
ENTITLED "RAILROADS."

WHEREAS, Chapter 23 of the Municipal Code of the City  
of Fort Wayne, Indiana is in need of revision; and

WHEREAS, I.C. 8-6-4-1 allows a municipality to regulate  
the blowing of whistles and ringing of bells at specific  
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NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
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conductor or person in charge of any engine or train of  
cars, to blow the whistle or ring the bell of any such  
engine or train while travelling on Norfolk and Western  
Railroad tracks, immediately prior to or while in the  
process of crossing over the following intersections:  
Ardmore Road (south of Engle), Engle Road, Nuttman Avenue,  
Brooklyn Avenue, and Taylor Avenue. The engineer,  
conductor or person in charge of any engine or train of  
cars, shall follow all rules and regulations set down by  
OSHA and Indiana statute regarding the blowing of whistles  
and the ringing of bells, while travelling in the city  
limits and crossing over all other city streets except those  
specifically mentioned in this section."

SECTION 2. Severability. If any provision or term of  
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the invalidity shall not affect other applications of the  
provision or terms of this section which reasonably can be  
given effect without the invalid provision or term for the  
application thereof.

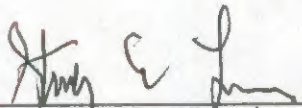


PAGE TWO

SECTION 3. This Ordinance shall be in full effect from and after its passage, its legal publication thereof, any and all necessary approval by the Mayor and the Indiana Department of Transportation.

  
COUNCILMEMBER

APPROVED AS TO FORM  
AND LEGALITY.

  
Stanley A. Levine  
Legal Advisor to  
Fort Wayne Common Council



Read the first time in full and on motion by Henry, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 10-8-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Edmonds, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>	<u>2</u>		
BRADBURY	<u>✓</u>			
BURNS		<u>✓</u>		
EDMONDS	<u>✓</u>			
GIAQUINTA		<u>✓</u>		
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 10-22-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. B-29-91 on the 22nd day of October, 1991

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of October, 1991, at the hour of 2:30 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 1st day of November, 1991, at the hour of 11:30 o'clock A M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

November 4, 1991

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of November 7 and November 14, 1991, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-91-10-19 (as amended)  
General Ordinance No. G-29-91  
Prohibiting the blowing of whistles  
and ringing of bells at specific  
railroad crossings

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1



LEGAL NOTICE

Notice is hereby given that on the 22nd day of  
October, 19 91, the Common Council of the City  
of Fort Wayne, Indiana, in a Regular Session did pass  
the following Bill No. G-91-10-19 (as amended) General  
Ordinance No. G-29-91 to-wit:

BILL NO. G-91-10-19 (AS AMENDED)

GENERAL ORDINANCE NO. G-29-91

AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA TO AMEND  
CURRENT CHAPTER 23 OF THE MUNICIPAL CODE  
OF THE CITY OF FORT WAYNE, INDIANA BY  
ADDING A NEW SECTION PROHIBITING THE  
BLOWING OF WHISTLES AND RINGING OF BELLS  
AT SPECIFIC RAILROAD CROSSINGS.

WHEREAS, Chapter 23 of the Municipal Code of the City of  
Fort Wayne, Indiana is in need of revision; and

WHEREAS, I.C. 8-6-4-1 allows a municipality to regulate  
the blowing of whistles and ringing of bells at specific  
crossings, with the review and approval of the Indiana  
Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. Chapter 23 of the Municipal Code of the City  
of Fort Wayne, Indiana, entitled "Railroads" is hereby amended  
by adding the following language:

"Sec. 23-16. Blowing of whistles and ringing of bells  
prohibited at specific crossings.

It shall be unlawful, within the city, for any engineer,  
conductor or person in charge of any engine or train of cars,  
to blow the whistle or ring the bell of any such engine or  
train while travelling on Norfolk and Western Railroad tracks,  
immediately prior to or while in the process of crossing over  
the following intersections: Ardmore Road (south of Engle),  
Engle Road, Nuttman Avenue, Brooklyn Avenue, and Taylor  
Avenue. The engineer, conductor or person in charge of any  
engine or train of cars, shall follow all rules and  
regulations set down by OSHA and Indiana statute regarding the  
blowing of whistles and the ringing of bells, while travelling  
in the city limits and crossing over all other city streets  
except those specifically mentioned in this section."

SECTION 2. Severability. If any provision or term of  
this section, or any application thereof, is held invalid, the  
invalidity shall not affect other applications, of the  
provision or terms of this section which reasonably can be  
given effect without the invalid provision or term for the  
application thereof.



2       SECTION 3. This Ordinance shall be in full effect from  
3       and after its passage, its legal publication thereof, any and  
4       all necessary approval by the Mayor and the Indiana Department  
5       of Transportation.  
6

Thomas C. Henry  
COUNCILMEMBER

Read the third time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven  
Bradbury, Edmonds, Henry, Long, Redd,  
Schmidt, Talarico

NAYS: Two  
Burns, GiaQuinta

ABSTAINED: None

ABSENT: None

DATED: 10-22-91

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-29-91 on the 22nd day of October, 1991.

ATTEST

SEAL

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of October, 1991, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 1st day of November, 1991, at the hour of 11:30 o'clock A.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of  
General Ordinance No. G-29-91,  
passed by the Common Council on the 22nd day of  
October, 19 91, and that said Ordinance was  
duly signed and approved by the Mayor on the 1st day of  
November, 19 91, and now remains on file and  
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 1st day of November, 19 91.

SEAL

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK



BILL NO. G-91-10-19 *(as amended)*

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF THE COMMON  
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA RESCINDING CURRENT CHAPTER  
23 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA IN  
ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 23, ENTITLED  
"RAILROADS"

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Thomas C. Henry*  
*David C. Long*  
*J. Bradbury*

DATED: 10-22-91

Sandra E. Kennedy  
City Clerk



BILL NO. G-91-10-19

GENERAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA  
*TO AMEND* ~~REPEALING~~ CURRENT CHAPTER 23 OF THE  
MUNICIPAL CODE OF THE CITY OF FORT  
WAYNE, INDIANA ~~IN ITS ENTIRETY AND~~  
~~REPLACING IT WITH A NEW CHAPTER 23~~  
~~ENTITLED "RAILROADS."~~ *BY ADDING A NEW*  
*SECTION PROHIBITING THE BLOWING OF WHISTLES*  
*AND RINGING OF BELLS AT SPECIFIC CROSSINGS*

WHEREAS, Chapter 23 of the Municipal Code of the City  
of Fort Wayne, Indiana is in need of revision; and

WHEREAS, I.C. 8-6-4-1 allows a municipality to regulate  
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3 PAGE TWO

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7 and all necessary approval by the Mayor and the Indiana  
8 Department of Transportation.

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COUNCILMEMBER

10 APPROVED AS TO FORM  
11 AND LEGALITY.

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Stanley A. Levine  
Legal Advisor to  
Fort Wayne Common Council



FW Common Council

(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

County, Indiana

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

99 lines, 1 columns wide equals 99 equivalent lines  
at .495 cents per line

\$ 49.00

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 50.00

## DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Nov 14, 1991

Title: Clerk

## LEGAL NOTICE

Notice is hereby given that on the 22nd day of October, 1991, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-91-10-19 (as amended) General Ordinance No. G-29-91 to-wit:

BILL NO. G-91-10-19 (AS AMENDED)  
GENERAL ORDINANCE NO. G-29-91  
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA TO AMEND

rewards my team with  
to "I was looking for things to

ence.  
going against one team in a confer-

because we had two independents  
thought it would have real meaning

state championship thing, but I  
Nobdy ever talked about the

hung it up on the pole.  
ship flag you could get. And I just

sew up the biggest state champion-  
both teams. I had my seamstress

"We were 8-3 but we had beaten  
said.

ship thing in 1980," Schellenberger  
series.

"I initiated the state champion-  
series.

Dennis Erickson -- still is felt in this  
ried on by Jimmy Johnson and now

seven seasons. But his mark -- car-  
where he has been for the past

He then went to Louisville,  
game.

in South Florida that never played a  
United States Football League team

that season to take a job with a  
Schellenberger left Miami after

national championship.

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater

who, being duly sworn, says that he/  
she is Clerk of the The Journal-Gazette newspaper of general  
circulation printed and published in the English language in the (city) (town) of  
Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for  
2 time 11/7, 14/91, the dates of publication being as follows:

Cindy Gillenwater  
Subscribed and sworn to before me this 14th day of Nov, 1991

Shelley R. Larue  
Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994



FW Common Council

(Governmental Unit)

To: The News-Sentinel Dr.P.O. Box 100  
Fort Wayne, INCounty, Indiana

## PUBLISHER'S CLAIM

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Tail -- number of lines \_\_\_\_\_

Total number of lines in notice \_\_\_\_\_

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Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM

\$ 50.00

## DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 2Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Nov 14, 19 91Title: Cindy Gillenwater Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time \_\_\_\_\_, the dates of publication being as follows:

11/7, 14/91Subscribed and sworn to before me this 14th day of Nov, 19 91

Shelley R. Larue  
Notary Public Whitley County, IN  
SHELLEY R. LARUE

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BILL NO. G-91-10-19 (AS AMENDED)

GENERAL ORDINANCE NO. G-29-91

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA TO AMEND CURRENT CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA BY ADDING A NEW SECTION PROHIBITING THE

legislature  
and  
the good of

